

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 OES-07 DLOS-09 L-03 SS-15 PA-01
CG-00 DOTE-00 JUSE-00 COME-00 CTME-00 INSE-00
DODE-00 SSO-00 INRE-00 ICAE-00 /048 W
-----085370 192041Z /53
O 191941Z APR 78
FM AMEMBASSY MADRID
TO SECSTATE WASHDC IMMEDIATE 4277
INFO AMEMBASSY COPENHAGEN

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COPENHAGEN FOR REGFISHATT

E.O. 11652: N/A
TAGS: EFIS, PFOR, US, SP
SUBJECT: SEIZURE OF SPANISH F/V COSTA DE NORUEGA FOR
FISHERIES VIOLATION

REF: MADRID 4121

1. TWO REPRESENTATIVES OF SPANISH FISHING INDUSTRY
(RAMIRO GORDEJUELA, PRESIDENT OF NATIONAL ASSOCIATION OF
FREEZER BOAT OWNERS, AND CARLOS GAGO LOPEZ, DIRECTOR OF
FISHING COOPERATIVE OF VIGO) CALLED ON ECONOMIC/COM-
MERCIAL COUNSELOR APRIL 19 TO DISCUSS SEIZURE OF COSTA
DE NORUEGA. AS EXPECTED (SEE REFTTEL) THEY PROTESTED
MANNER OF SEIZURE BY US COAST GUARD AND SIZE OF REPORTED
FINE. GAGO LOPEZ SAID THEY REPRESENTED THEIR ASSOCIATION
WHICH HAD MET AND DIRECTED THEM TO MAKE PROTEST TO U.S.
AUTHORITIES. HE SAID THEY HAVE APPOINTMENT WITH FOREIGN
MINISTER OREJA ON AFTERNOON OF APRIL 19 WITH REGARD CASE.

2. GAGO LOPEZ SAID THAT SPANISH ADMIT VIOLATION OF U.S.
FISHING REGULATIONS, PARTICULARLY CASE OF TAKING OF 12
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LOBSTER TRAPS ON APRIL 9. HOWEVER, EARLIER INCIDENTS
ON APRIL 6, 7 AND 8 INVOLVED UNMARKED, INDIVIDUAL TRAPS,
WHICH SPANISH CONSIDER WOULD HAVE HAPPENED WITHOUT
VESSEL BEING IN AREA OF LOBSTER TRAP LINE. GAGO SAID
THAT CITATION FOR FAILURE TO ACCURATELY LOG CATCH
RESULTED FROM FACT THAT SPANISH LOG CATCH FRESH, BUT
AFTER FREEZING AND PACKAGING WEIGHT OF ICE AND PLASTIC

COVERS INCREASES TOTAL WEIGHT. SPANISH ALSO EXPRESSED DOUBT THAT NET MESH SIZE CAN BE MEASURED WITH DEGREE OF ACCURACY EXPRESSED IN CITATION, I.E. 56 MM VERSUS 60 MM MINIMUM.

3. MOST SERIOUS CONCERN, HOWEVER, WAS EXPRESSED BY SPANISH REPRESENTATIVES OVER ALLEGED MANNER IN WHICH COAST GUARD SEIZED COSTA DE NORUEGA. ACCORDING TO GAGO LOPEZ, COAST GUARD TOOK OVER VESSEL COMMAND, LOWERED SPANISH FLAG AND RAISED U.S. COLORS. DURING TAKEOVER SPANISH CAPTAIN WAS REPORTEDLY THREATENED AND HIS OFFER OF HOSPITALITY TO COAST GUARD (FOOD AND DRINK) WAS REFUSED. GAGO LOPEZ ADDED THAT COAST GUARD ALSO USED SHIP'S EQUIPMENT AND CONFISCATED LOG AND OTHER DOCUMENTS WITHOUT PERMITTING SPANISH PREVIOUS CONSULTATION WITH ATTORNEY. SPANISH WERE ALSO DISTURBED THAT US MEDIA (TELEVISION AND NEWSPAPER), WITH COAST GUARD ASSISTANCE, GAVE SEIZURE AN ANTI-FOREIGN FISHING TREATMENT.

4. GENERAL APPROACH OF SPANISH REPS WAS ONE OF SURPRISE AT RELATIVE HARSHNESS OF TREATMENT AND FINE. THEY SAID THAT DURING PAST YEAR THEY HAVE CONSTANTLY POINTED OUT TO US AUTHORITIES DIFFICULTIES FACED BY SPANISH FISHERMEN IN ADAPTING TO NEW REGULATIONS, SOME OF WHICH MAKE SQUID FISHING PARTICULARLY DIFFICULT. GAGO LOPEZ SAID THAT US AUTHORITIES HAVE IN TURN EXPRESSED UNDERSTANDING LIMITED OFFICIAL USE

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AND HAVE SAID THAT RULES WOULD BE APPLIED FLEXIBLY, ESPECIALLY IN EARLY YEARS.

5. ECON COUNSELOR SAID THAT WE WOULD REPORT SUBSTANCE OF SPANISH CONCERNS TO DEPARTMENT. HOWEVER, SINCE MATTER IS NOW BEFORE US COURT, IF SPANISH BELIEVE THERE IS ERROR IN CHARGES OR THAT FINE IS EXCESSIVE THIS SHOULD BE HANDLED BY LEGAL REPRESENTATIVE THROUGH JUDICIAL CHANNELS. WE ALSO STATED THAT INQUIRY HAS ALREADY BEEN MADE WITH REGARD TO CHARGES AGAINST COAST GUARD REGARDING MANNER OF SEIZURE AND THAT ANY INFORMATION OBTAINED WILL BE PROVIDED TO SPANISH AUTHORITIES.

6. WHILE SPANISH VISITORS WERE LOW-KEYED IN THEIR APPROACH TO PROBLEM, THEY CLAIMED THAT FISHING INDUSTRY IS QUITE DISTURBED OVER CASE, TO EXTENT THAT ALL BUT TWO VESSELS HAVE BEEN WITHDRAWN FROM AREA AND THERE IS SOME DOUBT WHETHER ANY SPANISH BOATS WILL FISH IN US ZONE DURING SEASON STARTING JUNE 1978. SPANISH CLAIM THEY ARE WILLING TO DISCUSS VARIOUS METHODS OF COOPERATION WITH US FISHING INDUSTRY AND ARE CONVINCED THAT THERE IS ROOM FOR ALL TO BENEFIT. SINCE SPAIN

IS MAJOR MARKET FOR US FISH (ESPECIALLY SQUID) THIS
WOULD SEEM TO BE ACCURATE STATEMENT.

7. COMMENT/ACTION REQUESTED: IT IS CLEAR, AS WE
POINTED OUT TO SPANISH, THAT VIOLATIONS OF FISHING REGULA-
TIONS CANNOT BE CONDONED. HOWEVER, EMBASSY RECOMMENDS
THAT MAXIMUM EFFORT BE MADE TO INSURE THAT ADMINISTRATION
OF LAW BE SUCH AS TO RESULT IN AS LITTLE DAMAGE AS
POSSIBLE TO OUR RELATIONS. WE HAVE EXPRESSED DOUBT ABOUT
ALLEGED ACTION OF COAST GUARD DURING SEIZURE, BUT WE
WOULD APPRECIATE BRIEF DESCRIPTION OF MANNER IN WHICH
SEIZURE ACTUALLY TOOK PLACE, AS WELL AS INFORMATION ON

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COPENHAGEN FOR REGFISHATT

STATUS OF CASE BEFORE US COURTS, AND THE APPROPRIATE
RESPONSE TO THE FLAG ISSUE. SPANISH FISHERMEN MAY
DECIDE TO MAKE CHARGES PUBLIC IN ORDER TO BRING PRESSURE
ON THEIR GOVERNMENT TO TAKE SOME ACTION. STABLER

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